

Via Electronic Comment Filing System (ECFS)

July 12, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Notice of Ex Parte Presentation in WC Docket No. 09-144*
Securus Petition for Declaratory Ruling

Dear Marlene H. Dortch:

This letter is being filed with the Federal Communications Commission (“Commission”) on behalf of Millicorp as notice of an *ex parte* presentation in the above-referenced proceeding.

On Thursday, July 12, 2013, Tim Meade, President of Millicorp; Donovan Osborne, Millicorp’s Director of Communications; Duane Dyar, Millicorp’s Vice President of Operations; and the undersigned (collectively, “Millicorp”) met with Rebekah Goodheart, Wireline Legal Advisor to Acting Chairwoman Mignon Clyburn, and Travis Litman, Assistant Division Chief of the Telecommunications Access Policy Division of the Wireline Competition Bureau. During this meeting, Millicorp discussed the Commission’s pending proceeding regarding the Petition for Declaratory Ruling (“Petition”) filed by Securus Technologies, Inc. (“Securus”) in WC Docket No. 09-144.¹

Millicorp expressed the continuing need for the Commission to act on the pending Petition. Millicorp acknowledged that it resolved its inmate call blocking dispute with Securus in an amicable manner in connection with the Commission’s proceeding to review Securus’ proposed transfer of control of certain Securus affiliates in Docket No. 13-79.² Consistent with

¹ Petition for Declaratory Ruling filed by Securus Technologies, Inc., WC Docket No. 09-144 (filed July 24, 2009) (“Petition”). In its Petition, Securus requests the Commission to approve the blocking by inmate calling service providers of inmate calls to customers of Millicorp and other similarly situated Voice over Internet Protocol (“VoIP”) providers. The Commission has not yet acted on the Petition.

² See *Applications Granted for the Transfer of Control of the Operating Subsidiaries of Securus Technologies Holdings, Inc. to Securus Investment Holdings, LLC*, Public Notice, 28 FCC Rcd 5720 (WCB/IB 2013).

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certain commitments that Securus made to the Commission in this proceeding, Securus has ceased blocking inmate calls to Millicorp's customers provided that Millicorp populates the Line Information Database ("LIDB") with information about the identities and addresses of Millicorp's customers.

However, despite the resolution of Millicorp's dispute with Securus, there still remains a need for regulatory certainty regarding the permissible scope of call blocking activities by inmate calling service ("ICS") providers. Millicorp requested the Commission to act on the Petition to make clear to ICS providers that it is not permissible to block inmate calls to Millicorp-assigned local telephone numbers merely because the telephone numbers have NPA-NXX codes that are local to the prison facilities but terminate to the customers' geographically remote home addresses.

In particular, Millicorp explained that its customers continue to experience persistent call blocking by Global Tel*Link ("GTL"). Millicorp's customer service representatives ("CSRs") regularly receive reports from Millicorp's customers about the call blocking activities of GTL. Several recent reports are set forth below.

- July 11th: A Millicorp customer contacted a GTL CSR to complain that calls to the Millicorp customer from an inmate incarcerated in a Winona, Mississippi facility were being blocked. The GTL CSR informed the Millicorp customer that inmate calls to her Millicorp-assigned local number would be blocked and that Millicorp is a "fraud."
- July 7th: GTL repeatedly blocked calls from an inmate incarcerated at a Kenosha, Wisconsin facility to a Millicorp customer. The calls were dropped by GTL immediately after the calls were connected and a charge was incurred. The customer called to complain to a GTL CSR and was informed by the CSR that it is "illegal" for an inmate to place calls to a Millicorp-assigned telephone number and that GTL is blocking all calls from inmates to the 262 NPA-NXX code, which is local to the prison facility.
- July 7th: A Millicorp customer was told by a GTL CSR that all calls by inmates incarcerated in a Bellefonte, Pennsylvania facility to the 814 NPA-NXX code, which is local to the facility, are blocked unless the call recipient can demonstrate that her physical address is local to the facility.
- July 2nd: In order to receive calls from an inmate incarcerated in a Casagrande, Arizona facility, a Millicorp customer attempted to add funds to her prepaid GTL account associated with a Millicorp-assigned telephone number. A GTL CSR would not accept the deposit and informed the Millicorp customer that GTL will not complete inmate calls to Millicorp-assigned telephone numbers.

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- July 1st: A GTL facility in Trenton, New Jersey informed a Millicorp customer that her incarcerated son was not permitted to place calls to Millicorp-assigned local telephone numbers unless the Millicorp customer can prove that she has a local address.
- June 26th: A Millicorp customer was told by a GTL CSR that Millicorp is a “con company” and that she should not subscribe to Millicorp’s service.
- June 24th: An inmate in a Danville, Virginia facility served by GTL was told that it is illegal for inmates to call Millicorp-assigned local telephone numbers and that the inmate would lose his telephone privileges and could be charged with a crime if the inmate continued to attempt to place calls to such numbers.
- June 21st: A Millicorp customer with an inmate incarcerated in a Danville, Virginia facility was informed by the inmate that he received a letter stating that he will lose his phone privileges and may be subject to charges if he continues to attempt to place calls to Millicorp customers.
- May 30th: A Millicorp customer with an inmate incarcerated in a Los Angeles, California facility was told by a GTL CSR that Millicorp is “fraudulent” and that GTL will not place inmate calls to Millicorp customers.

This merely is a sample of the numerous reports received by Millicorp’s CSRs regarding GTL’s impermissible call blocking practices. Millicorp has placed on the record in this proceeding numerous other examples of GTL’s call blocking practices over the past four years, as well as GTL’s intimidation of Millicorp’s customers and GTL’s false accusations regarding Millicorp and its service.

Based on these reports and other patterns detected by Millicorp related to GTL’s call blocking activities, Millicorp believes that GTL may be utilizing LIDB to identify inmate call recipients as Millicorp customers. As noted above, Millicorp now populates LIDB with its customers’ names and home addresses. Millicorp began doing so shortly prior to entering into its arrangement with Securus. As a result, ICS providers now have the ability to identify an inmate call recipient as a Millicorp customer via LIDB. Prior to Millicorp’s population of LIDB, it was sometimes difficult for ICS providers to identify which inmate call recipients were Millicorp customers. Accordingly, in an effort to accommodate Securus’ security requirements,³

³ As Millicorp previously has noted on the record in this proceeding, Millicorp understands that the Federal Bureau of Prisons (“FBOP”) does not rely on LIDB to confirm the identity and location of inmate call recipients. Instead, based on discussions with the FBOP in 2011, Millicorp understands that the FBOP relies on publicly available and law enforcement-specific reverse directory services to confirm the identity and location of inmate call recipients. Since meeting with FBOP, Millicorp has been submitting its customers’ information to LSSi Corp. (“LSSi”) on a daily basis to make it available through such

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Millicorp has exposed its customers to the potential for increased call blocking by GTL and other ICS providers. The Commission can prevent this inequitable result by promptly acting on the Petition.

During its meeting with Ms. Goodheart and Mr. Litman, Millicorp also explained that it does not experience any blocking of inmate calls to Millicorp-assigned telephone numbers that are not local to the prison facility in which the inmate is incarcerated.⁴ This demonstrates that the true motivation for call blocking by ICS providers is financial—*i.e.*, to avoid the loss in revenue when an inmate call is placed to a local number rather than a long-distance number. If security concerns were the actual reason for such call blocking, it would occur with respect to all inmate calls to Millicorp customers. However, as Millicorp previously has explained in this proceeding, such security arguments by ICS providers are a pretext, and ICS providers have never blocked long-distance inmate calls to Millicorp customers.

Please direct any questions regarding the foregoing to the undersigned.

Respectfully,

/s/ Phil Marchesiello

Phil Marchesiello

Counsel to Millicorp

Attachment

cc (all via electronic mail):

Rebekah Goodheart

Travis Litman

reverse directory services, most of which draw from LSSi's National Directory Assistance database. As a result, Millicorp has not experienced any significant call blocking by FBOP facilities over the past two years.

⁴ Millicorp occasionally assigns its customers non-local numbers for two reasons. First, Millicorp assigns non-local telephone numbers to customers located internationally who want to avoid international rates but also want to avoid the service disruptions that often are associated with telephone numbers that are local to a prison facility. Second, Millicorp assigns non-local numbers to customers who reside near a prison facility if the ICS provider serving the facility is uniformly blocking all inmate calls to particular NPA-NXX code that is local to the facility in an attempt to prevent inmates from calling the customers of Millicorp and other VoIP providers. (VoIP companies are permitted to offer their customers the option to choose a telephone number with an NPA-NXX code that is not local to the customers' residence to enable the customers to reduce their telephone charges. Inmates should be permitted to benefit from this same consumer benefit of VoIP services that is available to the general public.)

DECLARATION

I, Timothy Meade, President of Millicorp, hereby declare, under penalty of perjury, that I have reviewed the foregoing *ex parte* notice and that the information contained therein is true and accurate to the best of my knowledge, information and belief.

Signed and dated this 12th day of July 2013.

/s/ Timothy Meade

Timothy Meade
President, Millicorp